

**SENATE BILL NO. 43**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

**BY SENATOR HUGHES**

**Introduced: 1/19/21**

**Referred: Prefiled**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to campaign finance and initiatives; relating to elections and voting;**  
2   **and relating to unlawful interference with voting."**

3   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4    \* **Section 1.** AS 15.13.040(s) is amended to read:

5           (s) Every individual, person, nongroup entity, or group that contributes more  
6           than \$2,000 in the aggregate in a calendar year to an entity that made one or more  
7           independent expenditures in one or more [CANDIDATE] elections in the previous  
8           election cycle, that is making one or more independent expenditures in one or more  
9           [CANDIDATE] elections in the current election cycle, or that the contributor knows  
10          or has reason to know is likely to make independent expenditures in one or more  
11          [CANDIDATE] elections in the current election cycle shall report making the  
12          contribution or contributions on a form prescribed by the commission not later than 24  
13          hours after the contribution that requires the contributor to report under this subsection  
14          is made. The report must include the name, address, principal occupation, and

1 employer of the individual filing the report and the amount of the contribution, as well  
 2 as the total amount of contributions made to that entity by that individual, person,  
 3 nongroup entity, or group during the calendar year. For purposes of this subsection,  
 4 the reporting contributor is required to report and certify the true sources of the  
 5 contribution, and intermediaries, if any. The [, AS DEFINED BY AS 15.13.400(18).  
 6 THIS] contributor is also required to provide the identity of the true source to the  
 7 recipient of the contribution simultaneously with providing the contribution itself.

8 \* **Sec. 2.** AS 15.13.065(c) is amended to read:

9 (c) Except for reports required by AS 15.13.040 and 15.13.110 and except for  
 10 the requirements of AS 15.13.050, 15.13.060, 15.13.074(b), 15.13.112, and 15.13.114  
 11 [AND 15.13.112 - 15.13.114], the provisions of AS 15.13.010 - 15.13.116 do not  
 12 apply to limit the authority of a person to make contributions to influence the outcome  
 13 of a ballot proposition. In this subsection, in addition to its meaning in AS 15.80.010,  
 14 "proposition" includes

15 (1) an issue placed on a ballot to determine whether

16 (A) a constitutional convention shall be called;

17 (B) a debt shall be contracted;

18 (C) an advisory question shall be approved or rejected; or

19 (D) a municipality shall be incorporated;

20 (2) an initiative proposal application filed with the lieutenant governor  
 21 under AS 15.45.020.

22 \* **Sec. 3.** AS 15.13.110(k) is amended to read:

23 (k) Once contributions from an individual, person, nongroup entity, or group  
 24 to an entity that made one or more independent expenditures in one or more  
 25 [CANDIDATE] elections in the previous election cycle, that is making one or more  
 26 independent expenditures in one or more [CANDIDATE] elections in the current  
 27 election cycle, or that the contributor knows or has reason to know is likely to make  
 28 independent expenditures in one or more [CANDIDATE] elections in the current  
 29 election cycle exceed \$2,000 in a single year, the receiving [THAT] entity shall report  
 30 that contribution, and all subsequent contributions, not later than 24 hours after  
 31 receiving the contribution [RECEIPT]. For purposes of this subsection, the entity is

1 required to certify and report the true source [,] and all intermediaries, if any, of the  
 2 contribution [AS DEFINED BY AS 15.13.400(18)].

3 \* **Sec. 4.** AS 15.13.400(19) is amended to read:

4 (19) "outside-funded entity" means an entity that makes one or more  
 5 independent expenditures in one or more [CANDIDATE] elections and that, during  
 6 the previous 12-month period, received more than 50 percent of its aggregate  
 7 contributions from true sources, or their equivalents, who, at the time of the  
 8 contribution, resided or had their principal place of business outside the state  
 9 [ALASKA].

10 \* **Sec. 5.** AS 15.20.081 is amended by adding a new subsection to read:

11 (m) A voter who needs assistance may request assistance in marking an  
 12 absentee ballot from a person who is not a candidate as defined in AS 15.13.400 or a  
 13 ballot measure campaign employee, volunteer, sponsor, or circulator. A person  
 14 assisting a voter in marking an absentee ballot shall print the voter's name and the  
 15 person's name and physical address on the voter's certificate on the envelope,  
 16 indicating that the person assisted the voter. The person shall sign and date the voter's  
 17 certificate.

18 \* **Sec. 6.** AS 15.56.035(a) is amended to read:

19 (a) A person commits the crime of unlawful interference with voting in the  
 20 second degree if the person

21 (1) has an official ballot in possession outside of the voting room  
 22 unless the person is an election official or other person authorized by law or local  
 23 ordinance, or by the director or chief municipal elections official in a local election;

24 (2) makes, or knowingly has in possession, a counterfeit of an official  
 25 election ballot;

26 (3) knowingly solicits or encourages, directly or indirectly, a registered  
 27 voter who is no longer qualified to vote under AS 15.05.010, to vote in an election;

28 (4) as a registration official

29 (A) knowingly refuses to register a person who is entitled to  
 30 register under AS 15.07.030; or

31 (B) accepts a fee from an applicant applying for registration;

(5) violates AS 15.20.081(a) by knowingly supplying or encouraging or assisting another person to supply to a voter an absentee ballot application form with a political party or group affiliation indicated if the voter is not already registered as affiliated with that political party or group;

(6) knowingly designs, marks, or encourages or assists another person to design or mark an absentee ballot application in a manner that suggests choice of one ballot over another as prohibited by AS 15.20.081(a); [OR]

(7) knowingly submits or encourages or assists another person to submit an absentee ballot application to an intermediary who could control or delay the submission of the application to the division of elections or who could gather data from the application form as prohibited by AS 15.20.081(a);

**(8) violates AS 15.20.081(m) by knowingly assisting a voter in marking an absentee ballot and failing to**

**(A) print the voter's name and the person's name and physical address on the voter's certificate on the envelope; or**

**(B) sign and date the voter's certificate;**

**(9) as a candidate as defined in AS 15.13.400 or a ballot measure campaign employee, volunteer, sponsor, or circulator, knowingly assists a voter in marking an absentee ballot; or**

**(10) knowingly possesses a ballot for a statewide election that was mailed to another person, unless that person is**

**(A) an election official engaged in official duties as authorized by law;**

**(B) an employee of the United States Postal Service engaged in official duties as authorized by law;**

**(C) another individual allowed by law to collect and transmit United States mail, while engaged in official duties as authorized by law; or**

**(D) a family member, household member, or caregiver of the registered voter to whom the ballot was mailed.**

\* Sec. 7. AS 15.56.035 is amended by adding a new subsection to read:

1 (d) In this section,

2 (1) "caregiver" means an individual who provides medical or health  
3 care assistance to a voter in a residence, nursing care institution, hospice facility,  
4 assisted living center, assisted living facility, assisted living home, residential care  
5 institution, adult day health care facility, or adult foster care home;

6 (2) "family member" means an individual who is related to a voter by  
7 blood, marriage, adoption, or legal guardianship;

8 (3) "household member" means an individual who resides at the same  
9 residence as a voter;

10 (4) "possess" means having physical possession or the exercise of  
11 dominion or control of a voter's ballot outside the presence of the voter.

12 \* **Sec. 8.** AS 15.07.130(e)(3) and AS 15.20.800 are repealed.

13 \* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to  
14 read:

15 APPLICABILITY. AS 15.56.035(a)(8) - (10), enacted by sec. 6 of this Act, apply to  
16 offenses committed on or after the effective date of this Act.